

Remarks

Claims 1-10 are pending. Claims 1-3, 5 and 7-10 are amended for clarity.

The Examiner rejected Claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,766,524 (“Matheny”). Applicant respectfully traverses the Examiner’s rejection. As explained in Applicant’s Specification, at page 1, lines 6-28, for example, commercial interruptions during broadcast reduce both the viewers’ viewing pleasure and the effectiveness of the advertising. Therefore, Applicant’s Claims 1-8 each recite a method that allows the broadcast to be shown without commercial interruption, while still allowing the commercial sponsors to capture the attention of their intended audience. For example, Claim 1 recites:

1. A method for allowing content to be broadcast without commercial interruption, yet letting the company or companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising:
 - a. receiving a broadcast with embedded information about the broadcast, said embedded information being provided to allow constructing a viewing record of the broadcast;
 - b. extracting and displaying content from said broadcast without commercial interruption to a viewer;
 - c. extracting said embedded information from said broadcast;
 - d. storing said embedded information;
 - e. at a predetermined time, sending said stored embedded information and viewer information to a remote computer to allow said remote computer to construct said viewing record;
- and

f. providing specific incentives to the viewer based on said viewing record.

However, not only does Matheny not disclose or suggest Applicant's Claims 1-8, Matheny teaches away from Claims 1-8. Specifically, Matheny teaches not only commercial interruptions, but a particularly intrusive type of commercial interruptions – i.e., one which requires the viewer to interact with it in order to receive a reward:

For illustrative purposes, receiver 215 depicts a broadcast television commercial sponsored by a cruise line and advertising an Alaskan cruise. In accordance with the invention, television set 235 additionally displays a reward notice 260--in this case an interactive icon--alerting viewers of the possibility of receiving a reward for watching the depicted commercial. In one embodiment, viewers select reward notice 260 to participate in the interactive commercial.

* * *

The possibility of receiving a reward will entice some viewers to claim rewards without bothering to watch the associated commercial. Thus, in accordance with one embodiment of the invention, viewers must provide some feedback to indicate that they watched the commercial before they are entitled to a reward. In the example of FIG. 2, set-top box 245 presents the viewer with a test question 265 at or near the end to the commercial. The question is based upon the content of the commercial, so viewers who watch the commercial are able to answer the question correctly. ... Entering the correct answer in field 270 entitles a viewer to the offered reward.

(Matheny, at col. 3, lines 1-30)

Because Matheny teaches away, Claims 1-8 are each allowable over Matheny.

Reconsideration and allowance of Claims 1-8 are therefore requested.

The Examiner rejected Claims 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Matheny. Applicant respectfully traverses the Examiner's rejection.

Claims 9 and 10 each recite broadcast without commercial interruption:

9. A method for allowing content to be broadcast without commercial interruption, yet letting the company or companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising:

a. receiving information from a remote viewer representing a viewing record of said broadcast without commercial interruption by said remote viewer;

* * *

d. sending said Web page to said viewer.

10. A method for allowing content to be broadcast without commercial interruption, yet letting the company or companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising:

a. receiving information about viewing of content of a broadcast without commercial interruption by a remote viewer;

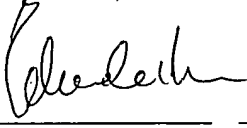
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e. sending said Web page to said viewer.

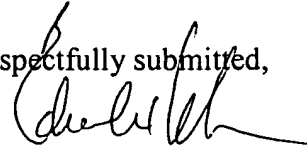
As explained above, Matheny teaches away from Applicant's invention by teaching embedded interactive commercials during broadcast. Accordingly, Claims 9-10 are each allowable over Matheny. Reconsideration and allowance are therefore requested.

For the reasons set forth above, all claims (i.e., Claims 1-10) are allowable, and their allowance is requested. If the Examiner has any question regarding the above, the

Examiner is respectfully requested to telephone the undersigned Attorney for Applicant
at 408-392-9250.

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